

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BARRY WHITE FAMILY
TRUST U/A/D: DECEMBER 19, 1980,
BY ITS DULY EMPOWERED TRUSTEES,

Case No. 24-cv-07509 (DLC)

Plaintiffs,

-against-

JOE COOLEY,
RODNEY DAVID OLIVER P/K/A
RODNEY-O, d/b/a NOT INTRESTED
PUBLISHING,

Defendants.

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NOTICE OF MOTION FOR SANCTIONS

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure 37 and the Court's inherent powers, Plaintiffs, The Barry White Family Trust U/A/D: December 19, 1980, By its Duly Empowered Trustees (the "Trust" or "Plaintiffs"), upon the accompanying Memorandum of Law and the Declaration of Dorothy M. Weber dated July 24, 2025 in Support of Plaintiffs' Motion for Sanctions and the Exhibits attached thereto, by and through their undersigned attorneys, will move this Court before the Honorable Denise L. Cote, at Courtroom 18B of the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an entry of an order:

1. Pursuant to Fed. R. Civ. P. 37(b)(2)(C) that Defendants jointly and severally pay the reasonable expenses, including, including costs and attorneys' fees for the expenses incurred in preparing Plaintiffs' Motion for Sanctions and all the unnecessary legal fees incurred by

Plaintiffs based on Defendants' filing of meritless letters and motions, caused by their failures and refusals to provide discovery herein;

2. Issuing a filing injunction directing Defendants not to file to any motion, letter, or other submission in this case without first seeking permission to do so from the Court, not to exceed one page in length;

3. Adjourning fact discovery and depositions *sine die* until Defendants' discovery is complete; and

4. Pursuant to Fed. R. Civ. P. 37(a)(3)(B)(iii) and (iv) compelling Defendants to produce all responsive documents including, but not limited to those documents in the possession, custody and control of Necole Keys, and supplement their previous evasive and incomplete disclosures made in response to the Plaintiffs' outstanding Interrogatory Nos. 1, 3, 5-14, 18 and 19, as well as Plaintiff's First Requests by a date certain, and in the event Defendants fail to comply fully with this Order by the deadline specified above, the Court will impose the following sanctions without further notice:

a. An order pursuant to Fed. R. Civ. P. 37 (b)(2)(A) issuing a default judgment against the Defendants; or

b. An order pursuant to Fed. R. Civ. P. 37 (b)(2)(A) striking Defendants' counterclaims; and

c. An order pursuant to Fed. R. Civ. P. 37 (b)(2)(A) for an adverse inference favoring the claims and defenses of the Plaintiffs; and

d. An order pursuant to Fed. R. Civ. P. 37 (b)(2)(A) prohibiting Defendants from supporting their claims and defenses, or opposing the Plaintiffs' claims or defenses, or from introducing matters into evidence which would either support their claims or defenses.

DATED: July 24, 2025
New York, New York

HERBSMAN HAFFER WEBER & FRISCH, LLP

/s/Dorothy M. Weber

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Defendants